

Message Text

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ACTION ORM-02

INFO OCT-01 NEA-10 IO-13 ISO-00 DHA-02 EUR-12 CIAE-00
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R 241150Z MAR 77
FM AMEMBASSY NEW DELHI
TO SECSTATE WASHDC 2114
INFO USMISSION GENEVA
AMCONSUL BOMBAY

AMCONGEN CALCUTTA
AMCONGEN MADRAS

C O N F I D E N T I A L NEW DELHI 4191

E.O. 11652: GDS
TAGS: SREF, IN
SUBJECT: GOI POSITION ON REFUGEES

1. IN MAR 21 CONVERSATION WITH MEA LEGAL ADVISOR JAGOTA, POLCOUNS ASKED ABOUT INDIAN POSITION AT JAN/FEB 1977 CONFERENCE ONASYLUM FOR REFUGEES. JAGOTA REPLIED THAT INDIANS HAD TAKEN POSITION CLOSER TO US ON ASYLUM FOR REFUGEES WITHIN NATIONAL BORDERS, BUT DIFFERENT FROM THE US ON RFUGEES OUTSIDE OF NATIONAL BORDERS. DESCRIBING BASIC GOI POLICY ON ASYLUM FOR REFUGEES, JAGOTA SAID THE GOI TAKEN NOW AND HAS ALWAYS TAKEN THE POSITION THAT A REFUGEE WITHIN INDIA WILL NOT BE RETURNED TO A STATE WHERE HE OR SHE MAY BE SUBJECT TO PERSECUTION. JAGOTA EXPLAINED THAT INDIA OPPOSED THE GRANTING OF ASYLUM STATUS AT THE BORDER SINCE INDIA DOES NOT WANT TO BECOME INVOLVED OR TO ENCOURAGE POTENTIAL REFUGEES TO SEEK ASYLUM IN INDIA. BUT EVEN IN THESE CASES, JAGOTA CONTINUED, WERE THE PURSUIT ACTIVE AND THE THREAT TO LIFE IMMEDIATE, INDIA WOULD ADMIT A PERSON OR PERSONS TO REFUGEE STATUS. JAGOTA RECALLED 1966 AFRO-ASIAN LEGAL SOLIDARITY COMMITTEE
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MEETING IN BANGKOK AT WHICH INDIA HAD SPONSORED RESOLUTION TO THIS EFFECT.

2. JAGOTA SAID THE GOVT OF INDIA CONSIDERS ALL THE ASPECTS OF EACH CASE. THE JURISDICTION IS ORIGINALLY WITH THE PRIME MINISTRY, BUT IN EVERY CASE INVOLVING A REFUGEE, THE MINISTRY OF EXTERNAL AFFAIRS (MEA) WOULD BE ASKED FOR A LEGAL AND APOLITICAL

OPINION. SINCE THE MEA HAS A FIRM IDEA OF THE GENERAL SITUATION IN EACH OF THE COUNTRIES WHERE A REFUGEE MIGHT ORIGINATE, THE MINISTRY IS UNABLE TO RENDER A POLITICAL DECISION.

3. THE COUNSELOR, REFERRING TO THE VARIOUS CASES OF REFUGEES FROM THE SOVIET UNION AND EASTERN EUROPE, POINTED OUT THAT THESE STATES FREQUENTLY FRAME CRIMINAL CHARGES AGAINST REFUGEES. JAGOTA REPLIED THAT EXTRADITION WAS A VERY SERIOUS MATTER IN INDIA, AND NO DECISION WOULD BE MADE TO EXTRADITE A PERSON WHO CLAIMED TO BE A REFUGEE WITHOUT THE MOST THOROUGH EXAMINATION OF ALL OF THE FACTS. JAGOTA MENTIONED THREE PROMINENT REFUGEE CASES, TARASOV, ULAG ZADE, AND SHUTLOVA ALLIYERA OVER THE LAST DECADE AND EMPHASIZED THAT IN NONE OF THEM WOULD GOI HAVE RETURNED INDIVIDUALS IN QUESTION TO USSR AGAINST THEIR WILL. HE SAID IN EVERY REFUGEE CASE INDIA WOULD CONSIDER THE HUMANITARIAN ASPECTS AND NORMALLY WOULD TRY TO ENSURE THAT A REFUGEE WENT TO A THIRD COUNTRY FROM WHENCE HE MIGHT SECURE ASYLUM.

4. COMMENT: THE ONLY SPECIFIC CASE WE ARE AWARE OF IN WHICH GOI RETURNED PRESUMED REFUGEE TO HIS COUNTRY OF NATIONALITY WAS PAKHOMOV CASE IN 1973 IN WHICH ALLEGEDLY MENTALLY ILL TURKMAN DREDGEWORKER LEAPED OUT OF WINDOW AT BRITISH HIGH COMMISSION AFTER SEEKING REFUGE THERE AND WAS SENT BACK TO USSR BY INDIANS. JAGOTA'S ASSESSMENT OF THE OTHER CASES AND INDIA POSITIONS AT THE TIME DO NOT NECESSARILY GIVE WITH OUR UNDERSTANDING OF THE CIRCUMSTANCES.

5. EMBASSY WOULD APPRECIATE ANY FURTHER INFO DEPT CAN PROVIDE ON VIEWS EXPRESSED BY INDIAN REP AT RECENT CONFERENCE ON ASYLUM AS WELL AS FURTHER INFO ON 1966 BANGKOK AFRO-ASIAN LEGAL SOLIDARITY CONFIDENTIAL

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COMMITTEE MEETING REFERRED TO BY JAGOTA. AS OPPORTUNITY PRESENTS ITSELF IN COMING WEEKS, CHARGE WILL SEEK FURTHER CLARIFICATION AND DEFINITIVE STATEMENT OF GOI POLICY ON ASYLUM FOR REFUGEES FROM FONSEC. REGARDLESS OF ACCURACY OR SELF-SERVING ASPECTS OF JAGOTA'S REMARKS ON THE PAST, OUR TENTATIVE ASSESSMENT IS THAT THE NEW INDIAN ADMINISTRATION IS LIKELY TO TAKE A STRONGER POSITION THAN THE PREVIOUS CONGRESS GOVT ON PROTECTING THE RIGHTS OF REFUGEES
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Message Attributes

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Control Number: n/a
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Decaption Note:
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Disposition Approved on Date:
Disposition Case Number: n/a
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